



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/662,785 Confirmation No.: 9521
Applicant: Simon Berners Hall
Filed: September 15, 2003
Group Art Unit: 1745
Examiner: Melissa J. Austin
Docket No.: 358261-991100
Customer No.: 26379

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS UNDER 37 CFR 1.27(a)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization: MASSEY UNIVERSITY

Address of organization: TENNENT DRIVE, PALMERSTON NORTH, NEW ZEALAND

Type of organization: University located in New Zealand

I hereby declare that the nonprofit organization identified above:

1) has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-identified invention to any person, concern, or organization which would not qualify as a person, small business concern, or a nonprofit organization, and

2) is a university or an institution of higher education located in New Zealand.

I further declare that if the rights held by the nonprofit organization are not exclusive, no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)(2)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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Name of person signing GAVIN JOHN CLARK

Title of person signing DIRECTOR OF RESEARCH COMMERCIALISATION

Address of person signing 10 DOUGHERTY PLACE, PALMERSTON
NORTH, NEW ZEALAND

Signature Gavin Clark Date 5th September 2005